

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUSTIN W. JENKINS,

Plaintiff,

v.

CORTEVA, INC., et al.

Defendants.

CASE NO. 1:22-CV-1976-RLY-DLP

**DECLARATION OF MARGARET
T. SEGALL IN SUPPORT OF
DEFENDANTS' JOINT MOTION
TO TRANSFER**

I, Margaret T. Segall, declare as follows:

1. I am a partner of the law firm of Cravath, Swaine & Moore LLP. I am counsel for Defendant Corteva, Inc. (“Corteva”) in the above-titled action. I am a member in good standing of the bar of the State of New York.
2. I submit this declaration in support of Defendants’ Joint Motion to Transfer.
3. On September 29, 2022, the Federal Trade Commission (“FTC”) and ten state attorneys general (collectively, “Government Plaintiffs”) filed suit against Syngenta Crop Protection AG, Syngenta Corporation, Syngenta Crop Protection, LLC (collectively, “Syngenta”), and Corteva in the Middle District of North Carolina, alleging that Corteva and Syngenta violated §§ 1 and 2 of the Sherman Act, § 3 of the Clayton Act, § 5(a) of the FTC Act and the state laws of ten states. (Compl. ¶¶ 197-242, *FTC et al. v. Syngenta Crop Protection AG et al.*, 22-cv-828-TDS-JEP, ECF No. 1 (M.D.N.C. Sept. 29, 2022).) A true and correct copy of the Government Plaintiffs Complaint, dated September 29, 2022, is attached hereto as Exhibit A.
4. On October 7, 2022, a putative class action complaint was filed in the Middle District of North Carolina against Syngenta and Corteva, alleging federal and state antitrust violations arising out of the same facts alleged in the Government Plaintiffs’ complaint. (Compl. ¶¶ 123-46, *Anderson v. Syngenta Crop Protection AG et al.*, No. 22-cv-858, ECF No. 1 (M.D.N.C. Oct 7, 2020).) A true and correct copy of the *Anderson* Complaint, dated October 7, 2022, is attached hereto as Exhibit B.
5. On October 7, 2022, Plaintiff Jenkins filed the instant action in this Court, alleging federal antitrust violations against Syngenta and Corteva, CHS Inc. (“CHS”), an agricultural cooperative, and Nutrien Ag Solutions, Inc.

(“Nutrien”), a wholesaler and retailer of crop protection products, and John Doe wholesalers and retailers.

6. On October 20, 2022, a second putative class action complaint was filed in the Middle District of North Carolina. This complaint also alleges federal and state antitrust violations arising out of the same facts alleged in the Government Plaintiffs complaint. (Compl. ¶¶ 123-55, *Croscut v. Syngenta Crop Protection AG et al.*, No. 22-cv-899, ECF No. 1 (M.D.N.C. Oct. 20, 2022).) A true and correct copy of the *Croscut* Complaint, dated October 20, 2022, is attached hereto as Exhibit C.

7. The Government Plaintiffs action, *Anderson* and *Croscut* have been assigned to Chief Judge Thomas D. Schroder of the Middle District of North Carolina.

8. On November 7, 2022, the plaintiffs in *Anderson* and *Croscut* moved to consolidate their cases. A true and correct copy of the Motion to Consolidate, dated November 7, 2022, is attached hereto as Exhibit D.

9. On November 21, 2022, the court granted plaintiffs’ motion to consolidate the *Anderson* and *Croscut* cases. A true and correct copy of the court’s Order granting the Motion to Consolidate, dated November 21, 2022, is attached hereto as Exhibit E.

10. I understand that counsel for Anderson and Croscut are coordinating their cases with the Government Plaintiffs, *e.g.*, working on a joint proposed electronically sensitive information protocol and a joint proposed protective order.

11. On November 17, 2022, twelve plaintiffs filed seven putative class action complaints in this District. Each of the seven complaints is virtually identical to the others filed on November 17, and each makes allegations of federal antitrust violations against Corteva, Syngenta, Nutrien, Helena Agri-

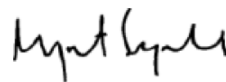
Enterprises, LLC (“Helena”), BASF SE, a multinational chemical producer, BASF Corporation, a BASF American affiliate, BASF Agricultural Products Group, a division of BASF (collectively, “BASF”) and John Doe wholesalers and retailers. These cases are currently assigned to two different District Court Judges, Judge Jane Magnus-Stinson and Judge James Patrick Hanlon, and four different Magistrate Judges, Judge Mario Garcia, Judge Matthew P. Brookman, Judge Mark Dinsmore and Judge Tim A. Baker. A true and correct copy of each of these complaints, each dated November 17, 2022, is attached hereto as Exhibits F-L.

12. Each of the plaintiffs in these seven cases has filed a Notice of Related Action to the instant case. A true a correct copy of each of these Notices, each dated November 17, 2022, is attached hereto as Exhibit M.

13. Corteva’s headquarters is located in Indianapolis, Indiana. Corteva transacts business within North Carolina.

14. Corteva intends to call as witnesses third parties, including distributors, who are located throughout the country. I believe that it is no more convenient for these witnesses to appear in the Southern District of Indiana than it is for them to appear in the Middle District of North Carolina. However, I believe that it is more convenient for these witnesses to appear only once, rather than in multiple proceedings.

I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration on November 22, 2022 in New York, New York.



Margaret T. Segall